

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-14-0197 EMC

Plaintiff,

v.

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS THE
INDICTMENT**

JOSHUA LUCAS,

(Docket Nos. 47)

Defendant.

Pending before the Court is Defendant's motion to dismiss the indictment under the Double Jeopardy Clause. For the reasons stated in this Court's December 8, 2014 order, Defendant has failed to make a preliminary showing of inter-sovereign collusion in either his state prosecution or the instant federal prosecution. *See* Dkt. No. 50; *see also United States v. Zone*, 403 F.3d 1101, 1104-05 (9th Cir. 2005) (distinguishing between proper inter-sovereign cooperation and improper inter-sovereign collusion).

Having failed to make even a preliminary showing of inter-sovereign collusion which would implicate the Double Jeopardy Clause, Defendant has failed to meet his burden of demonstrating that "federal prosecutors 'so thoroughly dominate[d] or manipulate[d] the [state's] prosecutorial machinery . . . that the latter retain[ed] little or no volition in its own proceedings.'"

///

///

///

///

1 *Id.* (quoting *United States v. Guzman*, 85 F.3d 823, 827 (1st Cir. 1996)). Accordingly, Defendant's
2 motion to dismiss the indictment is **DENIED**.

3
4 IT IS SO ORDERED

5
6 Dated: December 9, 2014

7
8 

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EDWARD M. CHEN
United States District Judge